

# Senate File 2415 - Reprinted

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 595)  
(SUCCESSOR TO SSB 1329)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act allowing certain counties to participate in a pilot  
2 project for emergency response districts and providing for a  
3 district tax levy.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 6674SZ 82  
6 md/sc/5

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1 1 Section 1. NEW SECTION. 357I.1 AUTHORIZATION AND  
1 2 PURPOSE.  
1 3 This chapter authorizes a pilot project for which a county  
1 4 of the state may establish an emergency response district.  
1 5 The purpose of this chapter is to provide a county within  
1 6 the state an opportunity to participate in a pilot project  
1 7 having a new governance structure to facilitate the delivery  
1 8 and funding of fire protection service and emergency medical  
1 9 service to residents of the county.  
1 10 Sec. 2. NEW SECTION. 357I.2 DEFINITIONS.  
1 11 As used in this chapter, unless the context otherwise  
1 12 requires:  
1 13 1. "Board" means the board of supervisors of a county.  
1 14 2. "Commission" means a governing body composed of a  
1 15 member of the board of supervisors, the sheriff, and the mayor  
1 16 from each city within the district.  
1 16 A member of the  
1 16 commission shall not appoint a designee to serve on  
1 16 the commission in the member's capacity.  
1 17 3. "District" means an emergency response district.  
1 18 Sec. 3. NEW SECTION. 357I.3 MOTION FOR PUBLIC HEARING.  
1 19 1. The board of supervisors of any county having a  
1 20 population of at least sixteen thousand nine hundred  
1 21 twenty-five but not more than sixteen thousand nine hundred  
1 22 fifty, according to the 2000 certified federal census, shall,  
1 23 on the board's own motion, hold a public hearing concerning  
1 24 the establishment of a proposed district. The motion shall  
1 25 include a statement containing the following information:  
1 26 a. The need for fire protection service and emergency  
1 27 medical service.  
1 28 b. The geographic boundaries of the district to be served.  
1 29 c. The approximate number of families in the district.  
1 30 d. The proposed personnel, equipment, and facilities to  
1 31 provide the fire protection service and emergency medical  
1 32 service.  
1 33 2. The board of supervisors shall notify the state fire  
1 34 marshal's office that a motion has been adopted to form a  
1 35 district.  
2 1 Sec. 4. NEW SECTION. 357I.4 DISTRICT.  
2 2 The boundary lines of a district may include any  
2 3 incorporated or unincorporated areas within a county.  
2 4 Sec. 5. NEW SECTION. 357I.5 TIME OF HEARING.  
2 5 The public hearing required in section 357I.3 shall be held  
2 6 within thirty days of the adoption of the motion. Notice of  
2 7 hearing shall be given by publication in two successive issues  
2 8 of any newspaper of general circulation within the district.  
2 9 The last publication shall be not less than one week before  
2 10 the proposed hearing.  
2 11 Sec. 6. NEW SECTION. 357I.6 DISTRICT ESTABLISHED == PLAN  
2 12 == PILOT AUTHORIZED.  
2 13 1. Within ten days after the hearing, the board shall

2 14 adopt a resolution establishing the district or abandoning the  
2 15 board's motion.

2 16 2. Within ten days after establishing a district, the  
2 17 board shall submit a plan to the state fire marshal's office  
2 18 and the county finance committee. The plan shall include all  
2 19 of the following:

2 20 a. Personnel, equipment, facilities, and other available  
2 21 resources that may be shared by all of the various fire  
2 22 departments and emergency medical service providers within the  
2 23 district.

2 24 b. Financial information demonstrating the ability to  
2 25 provide fire protection service and emergency medical service  
2 26 to the residents of the district.

2 27 c. A plan for transition of delivery and funding of fire  
2 28 protection service and emergency medical service to the new  
2 29 district.

2 30 d. A plan for the dissolution of the district and a plan  
2 31 for the allocation of any assets acquired by the district in  
2 32 the event of dissolution.

2 33 3. The county finance committee shall review the  
2 34 district's financial information, including revenues,  
2 35 expenditures, and budget items as well as the financial  
3 1 implications and plan for transitioning to a new financing  
3 2 structure. Within thirty days after receiving the plan, the  
3 3 county finance committee shall report its findings to the  
3 4 state fire marshal.

3 5 4. The state fire marshal shall consider the county  
3 6 finance committee's findings and review the district's  
3 7 personnel, equipment, facilities, and other available  
3 8 resources that may be shared by all of the various fire  
3 9 departments and emergency medical service providers as well as  
3 10 the practical considerations and plan for transitioning to a  
3 11 new structure for delivering fire protection service and  
3 12 emergency medical service to the district. The state fire  
3 13 marshal shall determine whether the district can successfully  
3 14 deliver fire protection service and emergency medical service  
3 15 throughout the district.

3 16 5. Within sixty days of receiving the board's plan, the  
3 17 state fire marshal shall notify the board whether the board's  
3 18 plan is approved.

3 19 Sec. 7. NEW SECTION. 357I.7 PILOT PROJECT == FIVE YEARS  
3 20 == REPORT.

3 21 1. A district established by the board and having a plan  
3 22 approved by the state fire marshal under section 357I.6 is  
3 23 authorized to proceed and continue as a pilot project for five  
3 24 years beginning on July 1 of the fiscal year following the  
3 25 date of the board's resolution establishing the district.  
3 26 However, if the date of the board's action falls after  
3 27 November 1, the pilot project shall not begin until July 1 of  
3 28 the fiscal year subsequent to the next following fiscal year.

3 29 2. The commission shall submit an annual report to the  
3 30 state fire marshal summarizing the results of the pilot  
3 31 project, including the strengths of the project, whether  
3 32 delivery of fire protection service and emergency medical  
3 33 service was improved throughout the district, and additional  
3 34 measures needed to improve the delivery of such services.

3 35 3. The fourth annual report prepared by the commission  
4 1 under subsection 2 shall also be submitted to the governor and  
4 2 the general assembly. It is the intent of the general  
4 3 assembly to use that report to determine whether to continue  
4 4 the pilot project, revise it, terminate it, or implement the  
4 5 pilot project provisions or a similar approach statewide.

4 6 Sec. 8. NEW SECTION. 357I.8 ENGINEER.

4 7 1. When the pilot project is approved, the board shall  
4 8 appoint a civil engineer or county engineer who shall prepare  
4 9 a preliminary plat showing:

4 10 a. The proper design in general outline of the district.

4 11 b. The lots and parcels of land within the proposed  
4 12 district as they appear on the county auditor's plat books  
4 13 with the names of the owners.

4 14 c. The assessed valuation of the lots and parcels.

4 15 2. The board shall determine the compensation for the  
4 16 engineer's preliminary investigation. The engineer shall file  
4 17 a report with the county auditor within thirty days of  
4 18 appointment. The board may extend the time upon good cause  
4 19 shown.

4 20 Sec. 9. NEW SECTION. 357I.9 HEARING ON ENGINEER'S  
4 21 REPORT.

4 22 After the engineer's report is filed, the board shall give  
4 23 notice, as provided in section 357I.5, of a public hearing to  
4 24 be held concerning the engineer's preliminary plat. Within

4 25 ten days after the hearing, the board shall, by resolution,  
4 26 approve or disapprove the engineer's plan.  
4 27 Sec. 10. NEW SECTION. 357I.10 APPROVAL OF DISTRICT  
4 28 PROPERTY TAX LEVY.  
4 29 Annually, the commission shall propose the levy of a tax of  
4 30 not more than one dollar and sixty and three-quarters cents  
4 31 per one thousand dollars of assessed value on all taxable  
4 32 property within the district.  
4 32 A proposed property tax  
4 32 levy rate shall not be approved by the commission  
4 32 unless two-thirds of the commission's members are  
4 32 present when the proposed property tax levy rate is  
4 32 approved.  
4 32 The commission shall hold a  
4 33 public hearing within thirty days of the commission's approval  
4 34 of a proposed property tax levy rate to receive public  
4 35 comment. Notice of the hearing shall be given by publication  
5 1 in a newspaper of general circulation within the district and  
5 2 shall be posted in a public place in each city within the  
5 3 district no less than ten days before the public hearing. The  
5 4 notice shall include the commission's proposed property tax  
5 5 levy rate, the reason for the tax, and the time when and the  
5 6 place where the hearing shall be held. The commission shall  
5 7 be considered a municipality for purposes of adopting and  
5 8 certifying a budget pursuant to chapter 24 and shall set the  
5 9 property tax levy rate no more than ten days following the  
5 10 public hearing. The tax shall be set to raise only the amount  
5 11 needed.  
5 11 The commission shall have  
5 11 exclusive tax-levying authority for the district.  
5 12 Sec. 11. NEW SECTION. 357I.11 GOVERNANCE AUTHORITY ==  
5 13 COMMISSION.  
5 14 The district shall be governed by a commission, as defined  
5 15 in section 357I.2.  
5 16 Sec. 12. NEW SECTION. 357I.12 COMMISSION POWERS.  
5 17 1. The commission may purchase, own, rent, or maintain  
5 18 fire and emergency medical services apparatus or equipment  
5 19 within the state or outside the territorial jurisdiction and  
5 20 boundary limits of this state, provide housing for such  
5 21 apparatus and equipment, provide fire protection service and  
5 22 emergency medical service and facilities, and may certify for  
5 23 levy an annual tax as provided in section 357I.10. The  
5 24 commission may purchase material, employ fire protection  
5 25 service personnel, emergency medical service personnel, and  
5 26 other personnel, and may perform all other acts necessary to  
5 27 properly maintain and operate the district. The commission  
5 28 may contract under chapter 28E with any city or county or  
5 29 public or private agency that is not a member of the district  
5 30 for the purpose of providing fire protection service or  
5 31 emergency medical service under this chapter. The  
5 32 commissioners are allowed necessary expenses in the discharge  
5 33 of their duties.  
5 34 2. The commission shall draw the boundaries of fire and  
5 35 emergency medical services areas within the district to be  
6 1 assigned to various fire departments and stations throughout  
6 2 the district.  
6 3 Sec. 13. NEW SECTION. 357I.13 DISTRICT FIRE CHIEF.  
6 4 The commission shall appoint a district fire chief who  
6 5 shall serve at the pleasure of the commission and shall be  
6 6 responsible for the coordination of fire protection service  
6 7 and emergency medical service throughout the district.  
6 8 Sec. 14. NEW SECTION. 357I.14 FIRE CHIEFS.  
6 9 The district fire chief shall appoint an assistant fire  
6 10 chief for each existing fire department and station within the  
6 11 district who shall be responsible for delivery of fire  
6 12 protection service and emergency medical service within the  
6 13 areas designated by the commission pursuant to section  
6 14 357I.12.  
6 15 Sec. 15. NEW SECTION. 357I.15 CITIES WITHIN THE  
6 16 DISTRICT.  
6 17 If a city is included in a district, the maximum tax levy  
6 18 authorized for the general fund of that city under section  
6 19 384.1 shall be reduced by the amount of the tax rate levied  
6 20 within the city by the district. Such city shall not be  
6 21 responsible for providing fire protection service and  
6 22 emergency medical service as provided in section 364.16, and  
6 23 shall have no liability for the method, manner, or means by  
6 24 which the district provides the fire protection service and  
6 25 emergency medical service.  
6 26 Sec. 16. NEW SECTION. 357I.16 BONDS IN ANTICIPATION OF  
6 27 REVENUE.

6 28 A district may anticipate the collection of taxes by the  
6 29 levy authorized in section 357I.10, and to carry out the  
6 30 purposes of this chapter may issue bonds payable in not more  
6 31 than ten equal installments with the rate of interest not  
6 32 exceeding that permitted by chapter 74A. An indebtedness  
6 33 shall not be incurred under this chapter until authorized by  
6 34 an election. The election shall be conducted by the county  
6 35 commissioner of elections pursuant to chapters 39 through 53.  
7 1 The commission shall give the county commissioner of elections  
7 2 thirty-two days' notice of the special election.  
7 3 Sec. 17. NEW SECTION. 357I.17 TRANSITION == TOWNSHIP TAX  
7 4 DISCONTINUED.  
7 5 When the boundary lines of the district include all or a  
7 6 portion of a township and the district has certified a tax  
7 7 levy within the township for the purpose of fire protection  
7 8 service and emergency medical service, the township trustees  
7 9 shall no longer levy the tax provided by section 359.43 in  
7 10 that portion of the township provided services by the  
7 11 district. Any indebtedness incurred for the purposes of  
7 12 sections 359.42 through 359.45 for a service now provided by  
7 13 the district shall be assumed by the district. Such township  
7 14 shall not be responsible for providing fire protection service  
7 15 and emergency medical service as provided in section 359.42  
7 16 for the portion of the township within the district, and shall  
7 17 have no liability for the method, manner, or means by which  
7 18 the district provides the fire protection service and  
7 19 emergency medical service.  
7 20 Sec. 18. NEW SECTION. 357I.18 TRANSITION == EMERGENCY  
7 21 MEDICAL SERVICES DISTRICT TAXES DISCONTINUED.  
7 22 When the boundary lines of the emergency response district  
7 23 include all or a portion of an emergency medical services  
7 24 district under chapter 357F or chapter 357G and the emergency  
7 25 response district has certified a tax to be levied on property  
7 26 located within the emergency medical services district for the  
7 27 purpose of emergency medical service, the emergency medical  
7 28 services district trustees shall no longer levy the taxes  
7 29 authorized in section 357F.8 or section 357G.8 in that portion  
7 30 of such emergency medical services district that is provided  
7 31 services by the emergency response district. Any indebtedness  
7 32 incurred by an emergency medical services district under  
7 33 chapter 357F or chapter 357G for a service now provided by the  
7 34 emergency response district shall be assumed by the emergency  
7 35 response district.  
8 1 SF 2415  
8 2 md/ml/12